



Fitch, Even, Tabin & Flannery

Intellectual Property Law **RECEIVED**
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FEB 13 2004

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TELECOPIER COVER SHEET

Client/Matter Nos: 7372/72249

Date: February 13, 2004

The transmission that follows totals 13 pages, including this cover sheet. Please deliver immediately to the following:

Attn: Examiner Elizabeth Slobodyansky
Art Unit 1652

Fax: 703 872-9306

Re: U.S. Application No. 10/004,115
ASAKO et al.

This transmission is being sent by Kendrew Colton, please call (202-419-7000) if there is a problem with this transmission.

COMMENTS:

CERTIFICATE OF FACSIMILE: I hereby certify that these papers (Transmittal and Amendment) are being transmitted via facsimile to: Commissioner of Patents, Washington, D.C. 20231, Attn: Elizabeth Slobodyansky, on this day of February 13, 2004.


Kendrew H. Colton, Reg. No. 30,368

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FORM PTO-1083

PATENT

Attorney Docket No. 7372/72249

In re Application of: ASAOKO et al.
 Application No. 10/004,115
 Filed: December 6, 2001
 For: PROCESS FOR PRODUCING OPTICALLY ACTIVE 4-HALO-3-HYDROXYBUTANOATE

U.S. Patent and Trademark Office
 2011 South Clark Place
 Customer Window, Mail Stop Non-Fee Amendment
 Crystal Plaza Two, Lobby, Room 1B03
 Arlington, VA 22202

February 13, 2004

Sir:

Transmitted herewith is Supplemental Amendment

 small entity status of this application under 37 CFR 1.27.**DUE DATE: N/A****I. Petition For Extension Of Time**

for a -month extension of time under 37 CFR 1.136, the fee of \$0.00 is enclosed.
 petition for an extension of time is NOT necessary. However, to the extent that such petition is deemed necessary, for a sufficient extension of time to render the present submission timely. Please charge Deposit Account No. 06-1135 for the appropriate petition fee.

II. No additional claim fee is required. Other:

The claim fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIMS PRESENT	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
					RATE	ADDT. CLAIM FEE	RATE	ADDT. CLAIM FEE
TOTAL	55	MINUS	55	0	x 9=	\$	x 18=	\$00.00
INDEPENDENT	6	MINUS	6	0	x 40=	\$	x 86=	\$0.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE CLAIM					+ 135=	\$	+ 290=	\$
					TOTAL	\$	TOTAL	\$00.00

Please charge my Deposit Account No. 06-1135 in the amount of \$0.00, under Order No. A duplicate copy of this sheet is attached.

A check in the amount of \$0.00 is attached.

The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 06-1135. A duplicate copy of this sheet is attached.

Any filing fees under 37 CFR 1.16 for the presentation of extra claims.

Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By: 
 Kendrew H. Colton
 Registration No. 30,368

CERTIFICATE OF FACSIMILE: I hereby certify that these papers (Transmittal and Amendment) are being transmitted via facsimile to: Commissioner of Patents, Washington, D.C. 20231, Attn: Elizabeth Slobodynsky, on this day of February 13, 2004.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICERECEIVED
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FEB 13 2004

Appl. No. : 10/004,115
Applicant : ASAOKO et al.
Filed: December 6, 2001
TC/A.U. : 1652
Examiner : Elizabeth Slobodyansky

Confirmation No.: 3895

Docket No. : 7372/72249
Customer No. : 22242

OFFICIAL

February 13, 2004

Supplemental Amendment

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop **Non-Fee Amendment**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Dear Sir:

Please enter this Supplemental Amendment in the above-identified application as follows:

- (1) Amendments to the claims are reflected in the listing of claims which begins on page 2 of this paper.
- (2) Remarks/arguments begin on page 11 of this paper.